

Position Statement

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New Asian Leaders

Calls Upon President Obama
to Rescind the Guidance Letter Directing Schools
On How to Accommodate Transgender Students
to Bathrooms

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WASHINGTON, DC — New Asian Leaders (NAL), a non-profit Asian American leadership organization headquartered in Washington, DC, calls upon President Obama to rescind the guidance letter directing schools on how to accommodate transgender students to bathrooms.

On September 3, 2015, more than 150 students, many supported by their parents, walked out of a high school in Missouri to protest one transgender individual's use of a female locker room, shower facilities, and bathroom facilities. Lila Perry, who believes himself to be female, has had no operations or other treatments for his dysphoria (gender unhappiness with one's biological sex). He is anatomically male but has identified himself as female since the age of 13. He wears a wig and dresses. He demands to go to the same bathroom, shower facilities, and locker rooms as other women. Many young women and their parents are highly upset. Parents, seeking a resolution, tried to accommodate to Perry's request by suggesting a private, gender-neutral restroom (unisex) restroom, but he turned it down. "I wasn't hurting anyone and I didn't want to be in a gender neutral bathroom. I am a girl; I shouldn't be pushed off to another bathroom."

Recently, on May 13, 2016, the Obama Administration issued a guidance directing public schools on how to accommodate transgender students to bathrooms. It came as a joint letter from the Departments of Education and Justice to ensure that "transgender students enjoy a supportive and nondiscriminatory school environment." Schools who do not conform to the guidance of this letter may be subject to curtailment or reductions of federal support for not complying with **Title IX of the Education Amendments of 1972**.

Most controversial of all of the requirements set forth in the letter is that students have the right to self-identify their gender identity and that schools must provide access to school facilities, including bathrooms, shower facilities, and locker rooms, based upon such gender identity. There is no requirement of vetting, and, in fact, the letter stipulates that such possible vetting might go against Title IX. Moreover, the letter states, "the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantage a particular class of students."

Students and parents, under the new radical guidelines set forth in this Presidentially-approved letter, must allow the transgender student who is anatomically male to be allowed to shower, use the restroom, and dress alongside young women who are anatomically female. *These students may be exposed to male genitalia, male body hair, and other sex differences that can create great unease and discomfort for many, if not most, females.* Under the guidelines set forth in this letter, the level of distress felt by these students can not be a consideration. Perry must be allowed to use whatever facilities matches his personal interpretation of gender identity, even if that identity becomes different any time later.

We believe that this is just plain wrong.

People must be given a choice. We strongly believe everyone, including transgender students, should have a choice of their bathroom accommodations, as long as there is a balancing of the rights of others. Every reasonable effort should be made at the local level to provide access to school accommodations for any particular individual, but this must be done in the context of the needs and rights of other individuals.

A vetting process is necessary. Every person has a right to their gender identity, but that person's placement in a facility should be vetted by proper authorities. If we impose one person's prerogatives against others without regard to other people's feelings of discomfort, then this is not choice. The specific guidelines must be worked out by local authorities as well as by the U.S. Department of Education and the U.S. Office of Civil Rights.

Students must be safe and secure in their use of bathrooms, shower facilities, and locker rooms. We are highly uncomfortable with the idea that anyone can change their gender identity for bathroom accommodations at any time *without oversight or review*. We are strongly with the transgender community and fully support their right to gender identity. However, there are many documented cases wherein a sexual predator has claimed that they are transgender when they are not and went into a sex-designated bathroom, shower facility, or locker room only to molest or expose themselves to others. Moreover, there are the real possibilities that secreted semen (which may spread STD) and urine splash can be a health risk for others. A vetting process, protocols, and procedures must be developed at schools to ensure safety and security for all.

To reiterate, New Asian Leaders calls upon the Obama Administration to rescind the guideline letter.

Supporting the rights of transgender students, as well as all students, we further demand that President Obama facilitate a vetting process that is a safe, fair, and a common sense approach to providing bathroom accommodations. There must be a redrafting of the previous guidelines to ensure choice, safety, and security for all in the use of bathrooms, shower facilities, and locker rooms. We demand that the Administration work with and consult local communities and school officials in building a vetting process that ensures the safety of everyone and respects the rights of **all** individuals in their choice of bathroom facilities.